

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	: Chapter 11
EAST 44 TH REALTY, LLC,	: Case No. 05-16167 (RDD)
Debtor.	:
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JOSEPH BILDIRICI,	: Docket No.: 07 CV
Plaintiff-Appellant,	:
-against-	:
DAVID R. KITTAY, as CHAPTER 11	:
TRUSTEE FOR EAST 44 TH REALTY, LLC,	:
Defendant-Appellee.	:
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**APPELLEE, DAVID R. KITTAY'S, DESIGNATION
OF ADDITIONAL ITEMS TO BE INCLUDED IN THE
CONTENTS OF THE RECORD ON APPEAL**

Appellee, David R. Kittay, Chapter 11 Trustee for the estate of East 44th Realty, LLC, by his attorneys, Kittay & Gershfeld, P.C., designates, pursuant to Federal Rule of Bankruptcy Procedure 8006, the following additional items to be included in the Record on Appeal:

Description	Docket No.	Date
Amended So Ordered (Second) Interim Stipulation (A) Authorizing Use of Cash Collateral and (B) Granting Adequate Protection, Pursuant to 11 U.S.C. Sections 361 and 365	31	9/30/2005
Statement/Order to Show Cause (A) Fixing a Date and Time for a Hearing on Landlord's Motion for Order Directing the Release and Return to Landlord of all Sublease Proceeds (B) Limiting Debtor's Use of Sublease Proceeds Pending Hearing and Determination of Such Motion and (C) Other Related Relief (with all exhibits)	54	1/3/2006

Order to Show Cause signed on 1/3/2006 (A) Fixing a date and time for a hearing on Landlord's Motion for Order Directing the Release and Return to Landlord of All Sublease Proceeds (B) Limiting Debtor's use of Sublease Proceeds Pending Hearing and Determination of Such Motion and (C) Other Related Relief with hearing to be held on 1/11/2006	56	1/4/2006
Objection to Motion/Objection of New York Community Bank to Motion for Order Directing the Release and Return to Landlord of Certain Property Including all Sublease Proceeds and Related Relief (with all exhibits)	57	1/10/2006
Objection to Motion to Compel Turnover of Rents filed by Davidoff Malito & Hutcher LLP on Behalf of the Debtor (with exhibit)	58	1/10/2006
Motion to Assume filed by Mark A. Frankel on behalf of East 44 th Realty, LLC (with all exhibits)	70	1/31/2006
Memorandum of Law/Landlord's Memorandum of Law in Further Support of Motion for Order Directing Release and Return to Landlord of its Property Including all Sublease Proceeds, and Other Related Relief	74	2/1/2006
Letter/Letter of Judy G.Z. Liu to Hon. Robert D. Drain filed by Judy G.Z. Liu on behalf of East Forty-Fourth Street, L.L.C.	79	2/6/2006
Objection of East Forty-Fourth Street, L.L.C. to Debtor's Motion to Assume Lease	80	2/7/2006
Response to Objection to Motion to Assume filed by Davidoff Malito & Hutcher LLP on behalf of the Debtor (with all exhibits)	84	2/8/2006
Letter to Honorable Robert Drain filed by Mark Frankel on behalf of East 44 th Realty, LLC (with all exhibits)	86	2/14/2006
Letter from Judy G.Z. Liu to the Honorable Robert D. Drain	90	2/17/2006
Transcript of Hearing Held on February 10, 2006	91	2/22/2006
Affidavit/Supplement Declaration of Lawrence E. Tofel Identifying Discrepancies in Debtor's Projections and in Opposition to Debtor's Motion to Assume Lease	93	3/3/2006

Affidavit of Lawrence E. Tofel Attesting to Landlord's Entitlement to Reimbursement of Attorneys' Fees Under Lease	94	3/3/2006
Affidavit of Lawrence E. Tofel Attesting to Landlord's Efforts to Settle its Disputes with Debtor	95	3/3/2006
Letter from J. Liu to Robert D. Drain	96	3/3/2006
Statement/Notice of Amended Exhibit	97	3/6/2006
Affidavit in Support of Lease Assumption	98	3/6/2006
Response in Further Support of Motion to Assume Lease	100	3/9/2006
Affidavit in Support of Further Response of Motion to Assume Lease	101	3/9/2006
Statement/Notice of Supplement to Amended Exhibit	102	3/14/2006
Motion for Leave to Appeal/Notice of Landlord's Motion for an Order Certifying Issue for Interlocutory Appeal (with all exhibits)	116	4/17/2006
Objection to Motion for Leave to Appeal filed by the Debtor by Davidoff Malito & Hutcher LLP (with all exhibits)	123	4/27/2006
Transcript of Hearing Held on April 27, 2006	124	5/3/2006
So Ordered Stipulation signed on 7/10/2006 Authorizing Use of Cash Collateral (with all exhibits)	134	7/11/2006
Corrected Stipulation and Order signed on 7/13/2006 (with all exhibits)	135	7/13/2006
Letter to the Honorable Robert D. Drain filed by Judy G.Z. Liu	145	9/28/2006
Letter filed by Mark A. Frankel on behalf of Yusef Bildirici	147	9/29/2006
Letter to the Honorable Robert D. Drain filed by Lawrence E. Tofel on behalf of East Forty-Fourth Street L.L.C. (with all exhibits)	156	11/14/2006
Motion to Appoint Trustee/Motion for Appointment of a Chapter 11 Trustee with Limited Powers	177	1/22/2007

Affidavit of Lawrence E. Tofel	179	1/22/2007
Memorandum of Law in Support of the Landlord's Motion for Appointment of a Chapter 11 Trustee with Limited Powers	181	1/23/2007
Response in Support of Motion to Appoint a Limited Purpose Trustee	188	2/2/2007
Order Granting Motion to Appoint Chapter 11 Trustee	198	2/14/2007
Transcript of Hearing Held on February 7, 2007 at 11:50 a.m. Re: Landlord's Motion for Appointment of Chapter 11 Trustee	219	3/13/2007
Motion to Approve/Motion by United Capital Associates, LLC and Eastern Property Associates, LLC to Enforce Agreements Against the Equity Holders of the Debtor	243	6/13/2007
Notice of Hearing on Motions Seeking Approval of (I) an Order (A) Approving an Agreement For the Trustee to Assume and Assign, Sell and Convey Leases, (B) Approving Bidding Procedure (Including Break-Up Fee), and (C) Approving Notice and (II) an Order Approving the Trustee's Sale of the Leases	245	6/14/2007
Certificate of Service related to Notice of Hearing on Motions Seeking Approval of (I) an Order (A) Approving an Agreement For the Trustee to Assume and Assign, Sell and Convey Leases, (B) Approving Bidding Procedure (Including Break-Up Fee), and (C) Approving Notice and (II) an Order Approving the Trustee's Sale of the Leases	249	6/14/2007
Notice of Sale/Notice of Amended Exhibit I to Motion of the Chapter 11 Trustee for: (I) an Order (A) Approving an Agreement for the Trustee to Assume and Assign, Sell and Convey Leases, (B) Approving Bidding Procedure (Including Break-up Fee), and (C) Approving Notice and (II) an Order Approving the Trustee's Sale of the Leases	251	6/15/2007

Certificate of Service related to Notice of Sale/Notice of Amended Exhibit I to Motion of the Chapter 11 Trustee for: (I) an Order (A) Approving an Agreement for the Trustee to Assume and Assign, Sell and Convey Leases, (B) Approving Bidding Procedure (Including Break-up Fee), and (C) Approving Notice and (II) an Order Approving the Trustee's Sale of the Leases	252	6/15/2007
Certificate of Service related to Notice of and Motion to Approve Compromise/Trustee's Motion Pursuant to Federal Rule of Bankruptcy Procedure 9019(a) Seeking Approval of Global Stipulation and Mutual Releases Between and Among David R. Kittay, Chapter 11 Trustee for the Debtor, New York Community Bank and East Forty-Fourth Street, L.L.C.	270	7/27/2007
Certificate of Service related to Response to Yusef Bildirici's Objection to Cure Claim	278	8/8/2007
Transcript of Hearing Held on 8/8/07 at 12:35 p.m. filed by Rand Transcript Services, Inc.	294	8/27/2007

Issue Presented

1. Did the Bankruptcy Court abuse its discretion in approving the global stipulation and mutual releases between and among David R. Kittay, Chapter 11 Trustee for East 44th Realty, LLC, New York Community Bank and East Forty-Fourth Street, L.L.C. when it held that the global stipulation did not fall below the lowest point within the range of reasonableness and was in fact in the best interest of the Debtor's creditors as it was a necessary resolution of issues that would otherwise have prevented the Trustee from selling his right, title and interest in the Debtor's Ground Lease and making a substantial distribution to the Debtor's creditors?

Dated: Tarrytown, New York
September 6, 2007

KITTAY & GERSHFELD, P.C.
Attorneys for the Trustee

/s/ David R. Kittay
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